

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TODD ALAN BROWN,

Plaintiff,

v.

SUPERINTENDENT RIVELLO, *et al.*,

Defendants.

No. 4:22-CV-01155

(Chief Judge Brann)

ORDER

AND NOW, this 28th day of December 2022, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Plaintiff's motion (Doc. 15) to reopen case is **GRANTED**.
2. Plaintiff's motion (Doc. 16) to amend is **GRANTED** in part.
3. The Clerk of Court is directed to docket Plaintiff's proposed amended complaint (Doc. 16-1) as his amended complaint.
4. Plaintiff's amended complaint is **DISMISSED** in part pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted, as follows:
 - a. Plaintiff's Fourteenth Amendment claims of deliberate indifference to serious medical needs against defendants Jessica Cousins and B. Hollibaugh are **DISMISSED** with prejudice for failure to state a claim upon which relief may be granted.
 - b. Plaintiff's Fourteenth Amendment medical indifference claims against defendants Correctional Officer Greg Hicks and CB Officers Sheeley, Stevens, and Singer may proceed.

5. The Clerk of Court is directed to TERMINATE the following defendants: Superintendent Rivello, Deputy Superintendent Spkr, Jessica Cousins, Counselor Conway, Sean McCorkle, and B. Hollibaugh.
6. In accordance with Federal Rule of Civil Procedure 4(c)(3), the Clerk of Court is further directed to **SERVE** a copy of the Amended Complaint, notice of lawsuit and request to waive service of summons (form AO 398), waiver of the service of summons (form AO 399) and this Order on defendants Correctional Officer Greg Hicks, CB Officer Sheeley, CB Officer Stevens, and CB Officer Singer at SCI Huntingdon. In the interest of efficient administrative judicial economy, the Court requests that Defendants waive service pursuant to Federal Rule of Civil Procedure 4(d).
7. If service is unable to be completed due to Plaintiff's failure to properly name a Defendant or provide an accurate mailing address, Plaintiff will be required to correct this deficiency. Failure to comply may result in the dismissal of Plaintiff's claim(s) against Defendant(s) pursuant to Federal Rule of Civil Procedure 4(m).

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge